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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/110,667	07/07/1998	PETER C. BOYLAN III	UV-76	4967

7590

11/19/2003

G VICTOR TREYZ
FISH & NEAVE
1251 AVENUE OF THE AMERICAS
NEW YORK, NY 100201104

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 11/19/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/110,667

Applicant(s)

BOYLAN III ET AL.

Examiner

Son P Huynh

Art Unit

2611

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 03 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-46, 75-117.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.


10. ☐ Other: _____


VIVEK SRIVASTAVA
PRIMARY EXAMINER

As for Applicant's assertion on page 7 that Hendricks fails to show or suggest using interactive television program guide to display local advertisement (page 4, lines 20-24); the local advertisement is selectable (page 5, lines 9-10); and the local advertisements are specific to a particular geographic region (page 6, lines 4-7). Examiner asserts that Hendricks discloses subscriber region designation 926 indicates the geographic region in which the subscriber's set-top terminal is housed (see col. 17, lines 55-58) and each major menu 1020 is customized to target the expected viewership (col. 26, lines 2-3), and the menus may also provide promotional or advertising information (see col. 35, lines 25-27); video clips or promotional video (advertisement of pay per view program, displayed on the screen, may be give subscriber an opportunity to "graze" through new movie or television program selections (col. 46, line 64-col. 47, line 67). Apparently, the local advertisement (video clips or promotional video) are specific to a particular geographic region, displayed on an interactive program guide, and are selectable.

Applicant further argues the combination of Carr and Klosterman references is improper because there is no, teaching, suggestion or motivation to combine the references on page 8, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Carr teaches a technique for providing local information with the passive television program guide, the global video and data streams are transmitted to multiple cable system headends 20. The cable system headends 20 are typically in different geographic regions, the cable system head end in each region contains a computer that extracts the advertising text appropriate for that region and television program listings for the region. The region appropriate advertising text is combined on a single screen with the promotional videos and the program listings for that region (see col. 2, lines 27-35). Klosterman shows program schedule guide with interactive information regions for displaying additional information such as advertising information. User may clicks on the advertising information regarding a product, which displays on the information regions, to gain access to additional displays of advertising and promotional information (see col. 2, lines 1-60). The interactive region allow user to select a menu item to view additional information about the product or services advertised (see col. 7, line 36-45). Therefore, it would have been obvious to one of ordinary skill in the art to modify Carr to use the teaching as taught by Klosterman in order to allow user to interact with the user interface for additional information of the advertisement without displaying all information on the display, thereby reduce the space on the screen.

Furthermore, the use of interactive in the TV art is well known in the art. The examiner cites US 6,177,931; US 6,268,849; US 6,035,304, US 2003/0110499 to support.



VIVEK SRIVASTAVA
PRIMARY EXAMINER